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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,860	04/12/2004	Federico Cabrele	713-1121	1818

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EXAMINER
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MITCHELL, KATHERINE W

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/821,860

Applicant(s)

CABRELE, FEDERICO

Examiner

Katherine W. Mitchell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/12/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20051005 10/8/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*clw*

### DETAILED ACTION

The certified copy of the priority document has not been received.

#### ***Specification***

1. The disclosure is objected to because of the following informalities:

Paragraph spanning pages 4-5 discloses 4 longitudinal slots, of equally spaced angularity, defining 2 main longitudinal tongues. If there are 4 equally spaced slots, why not 4 tongues?

Appropriate correction is required.

#### ***Drawings***

2. The drawings are objected to because the slots 8 are described as:

*More specifically, and as shown more clearly in Figure 4, the four main longitudinal slots 8 are through slots, which are formed through the wall of central portion 2, are equally spaced angularly, and define two deformable main longitudinal anchoring tongues 9.*

All the figures show slots that are NOT "equally spaced angularly". Examiner is assuming the drawings are correct for this action. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites only "a number" of secondary slots". Claim 8, depending on claim 1, recites that said secondary slots face and are coplanar with one another in pairs. "Said slots" has not been defined to ensure that there is an even number to line up in pairs, and if they face one another, how can they be coplanar since they have a width and depth?

Claim 9 recites the limitation "the two adjacent main longitudinal slots" in lines 3-

4. There is insufficient antecedent basis for this limitation in the claim. The independent claim requires 4 main slots. Further, examiner can find no support for each secondary slot equidistant from the two adjacent slots and does not see how it is

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possible - see Fig 4 of applicant. How are main slots adjacent - it appears to examiner they are always separated by slot 10 or tongue 9.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3,6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Vernet et al USP 5246323.

Re claim 1: Vernet shows a screw anchor (3) with a deformable (expandable - abstract) central portion in which 4 main longitudinal slots (13) are formed, and comprising a number of 2ndary longitudinal slots (13) formed in said central portion. Examiner notes that 4 slots (13) are considered main and the balance are considered secondary.

Re claim 2: The sections between a main and secondary slot or two secondary slots can be considered a deformable secondary longitudinal anchoring tongue. (Col 4 lines 21-48)

Re claim 3: Pairs of main longitudinal slots define main longitudinal anchoring tongues (strip between two "13's". It appears there are 8 equally-spaced slots "13" - examiner has labeled <sup>an</sup> ~~an~~ octagon below which are considered main and which are considered secondary.

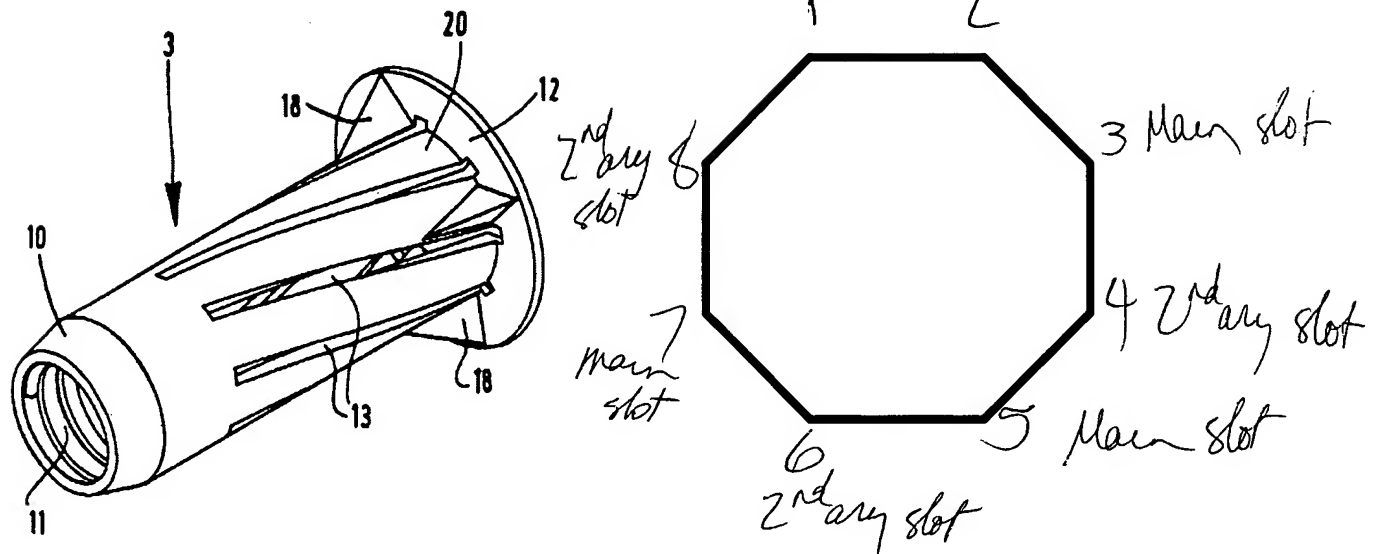


FIG. 5

Re claims 6-7: Fig 5 and col 3 lines 66-69 teach evenly angularly spaced slots.

Re claims 8-9: referring to the numbering by examiner of the octagonal shape, representing the collar with 8 slots of Vernet, slots 1&6, 2&5, 3&8, and 4 & 7 face and are coplanar, and assuming <sup>1, 3, 5 and 7</sup> 1 and 7 are "the adjacent" main slots,

Re claims 10-12: a head with a collar at a first end, said collar with annular flange (12) coaxial with longitudinal axis as shown in Fig 5 above. Projecting appendices (18) are shown as equally spaced and integral with collar and parallel to longitudinal axis. There is a head (10) at opposite end.

Re claim 13: There is a hole (Fig 20 coaxial with longitudinal axis having a number of internal ribs parallel to said axis (see Fig 2).

**Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 - 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vernet et al USP 5246323.

As discussed above, Vernet teaches all the limitations except a serrated profile on the 2ndary and main longitudinal tongues. Vernet Fig 6 shows such serrations (8), useful to limit the radial component of the screwing force, per col 4 lines 60-66. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Vernet before him at the time the invention was made, to modify Vernet's first embodiment, Fig 5, to include the serrations of Fig 6, second embodiment, in order to obtain improved radial expansion properties and thus enhance screw fixing.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Katherine W Mitchell  
Examiner  
Art Unit 3677



Kwm  
10/6/2005